IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3632 of 2006

DATE OF DECISION: 8.8.2006

National Insurance Co.Ltd.

...Appellant

versus

Yudhveer Singh and others

... Respondents

CORAM:- Hon'ble Mr.Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.R.N.Singal, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this first appeal by the insurer, which arises out an award dated 4.5.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Rohtak, in MACT Case No.40 of 13.6.2003, there is no averment in the grounds of appeal to the effect that the Insurance Company had been granted permission under Section 170 of the Motor Vehicles Act, 1988 (for short `the Act') to contest the claim. Therefore, it would not be permissible to urge any point beyond the breach of policy.

Accordingly, the submission of learned counsel that since the claim was filed under Section 163-A of the Act, the offending vehicle (being Jeep No.HR-12P-0246) should also have been made a party to share 50% of the compensation, would not be tenable. This is also admitted that the two wheeler in question was comprehensively insured. Therefore, the pillion rider was also covered under the policy. Besides, the two wheelers have been authorised to two sitting capacity.

Under the circumstances, we do not find any force in this FAO and, therefore, it is, hereby, dismissed, at the threshold.

(UMA NATH SINGH)
JUDGE

August 8, 2006
pk

(S.D.ANAND)
JUDGE